



# Initial processing and the MEP; what is it and what does it mean for my state?

**Jose Reyes-Lua**

**Pennsylvania State Identification and Recruitment Coordinator**



**Migratory agricultural worker-** means an individual who made a qualifying move in the preceding 36 months and, after doing so, engaged in new temporary or seasonal employment or personal subsistence in agriculture, which may be dairy work **or the initial processing of raw agricultural products;**

## **Eligibility Components-**

- Across school district boundaries
- Is a change from one residence to another
- Due to economic necessity
- Occurred in the past 36 months

## **And-**

Engaged in new temporary or seasonal employment in agriculture or fishing



## Active Count Between 9/1/2016 and 6/30/2017

### PA Migrant Statistics:

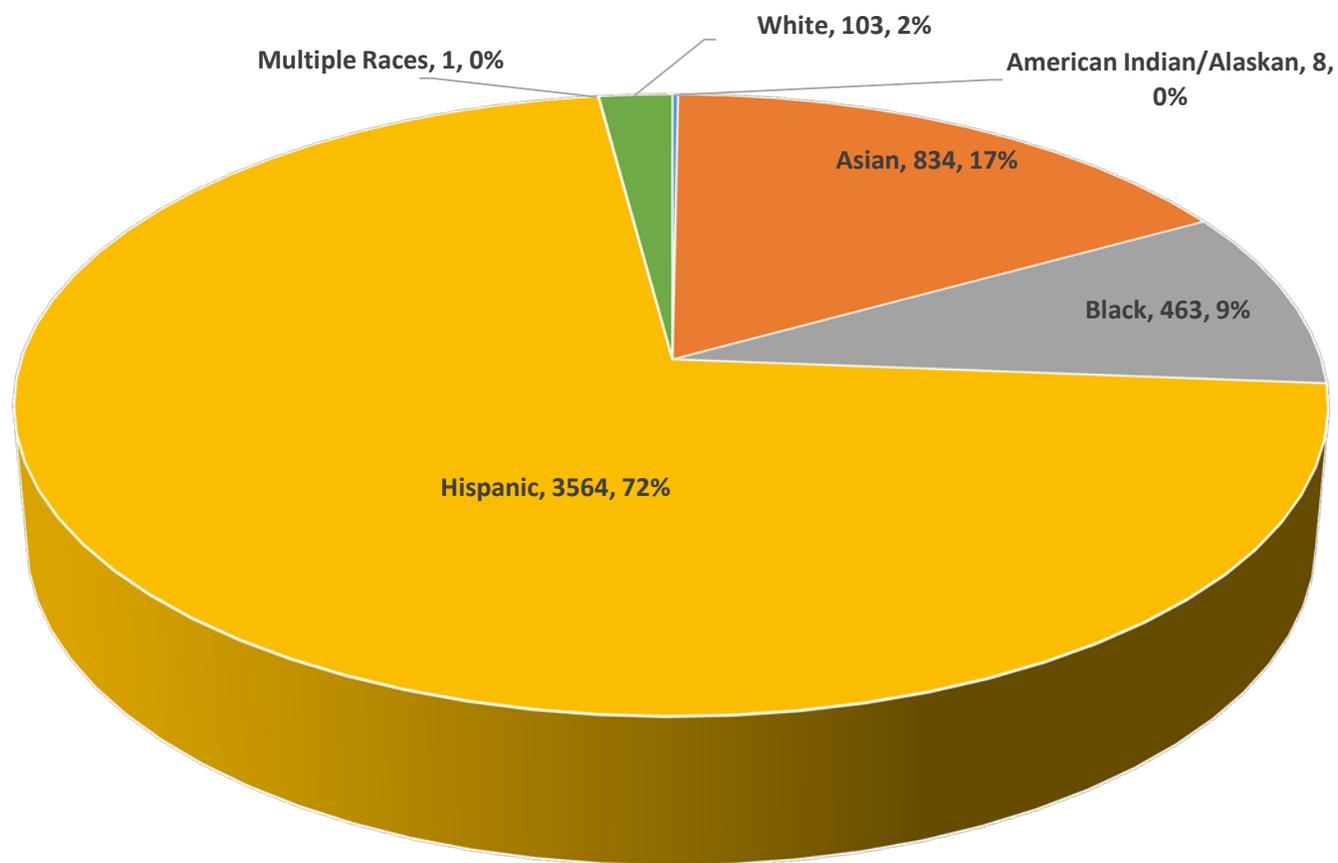
- 4973 Distinct Students Birth Through Age 22
- 2669 Distinct Families

### Race

- 72% Hispanic
- 17% Asian
- 8% Black
- 2% White
- <1% American Indian/ Alaskan
- <1% Multiple Races



## Active Count Between 9/1/2016 and 6/30/2017





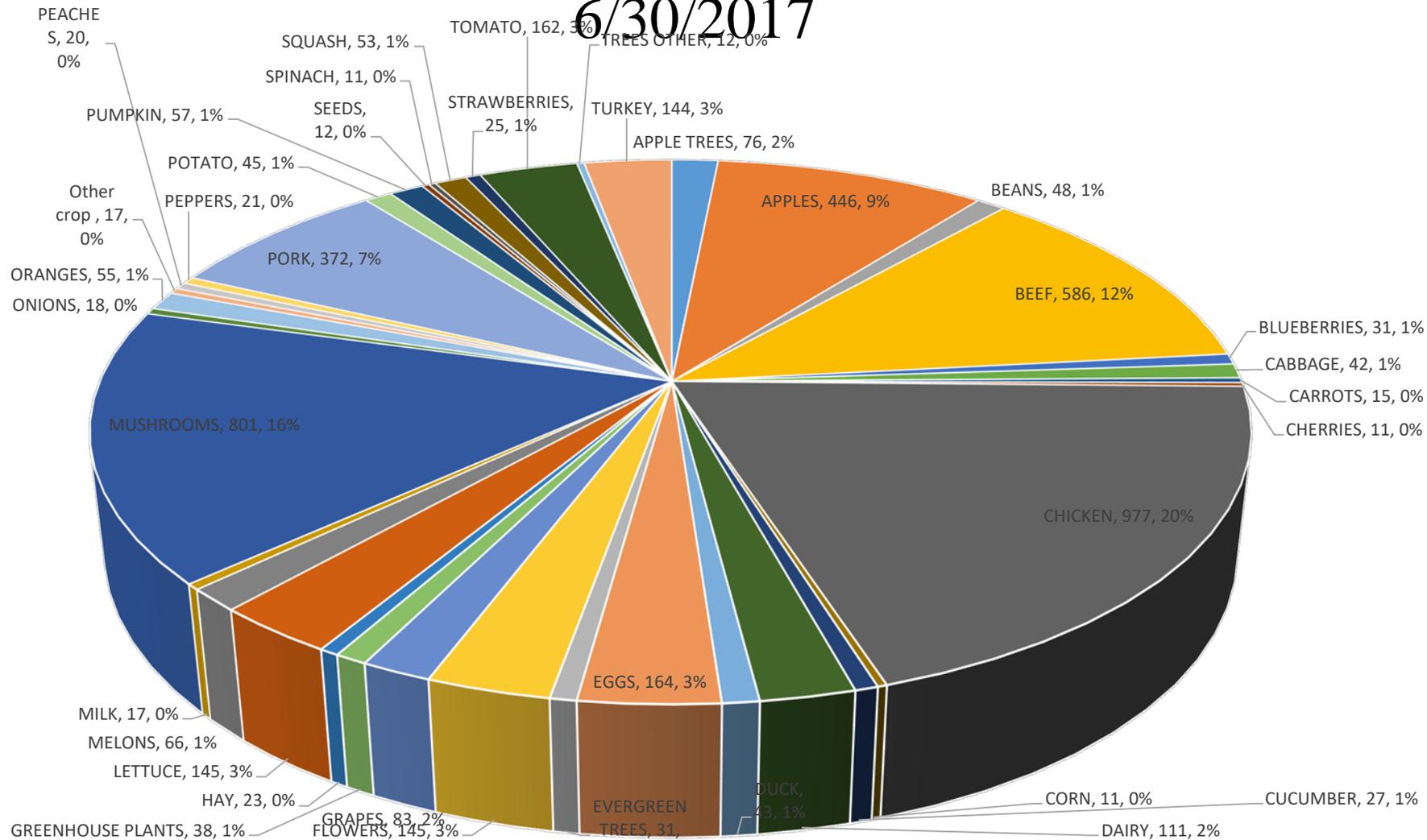
## Active Count by Work Crop Between 9/1/2016 and 6/30/2017

### Work Crop

- 20% Chicken
- 16% Mushrooms
- 12% Beef
- 9% Apples
- 7% Pork
- 36% consist of 49 Other Crops



# Active Count by Work Crop Between 9/1/2016 and 6/30/2017





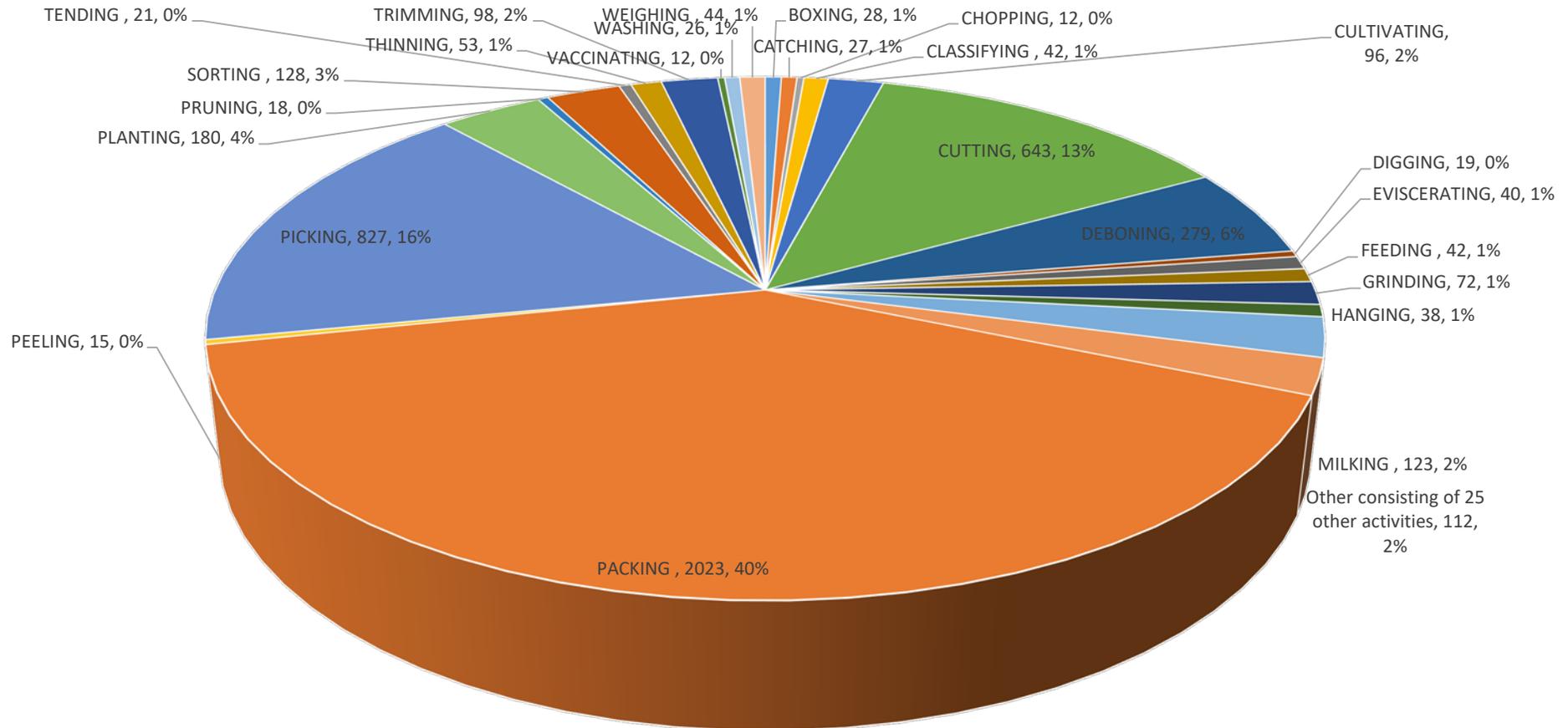
## Active Count by Work Activity Between 9/1/2016 and 6/30/2017

### Work Activity

- 40% Packing
- 16% Picking
- 13% Cutting
- 6% Deboning
- 4% Planting
- 21% Consist of 45 Activities



# Active Count by Work Activity Between 9/1/2016 and 6/30/2017

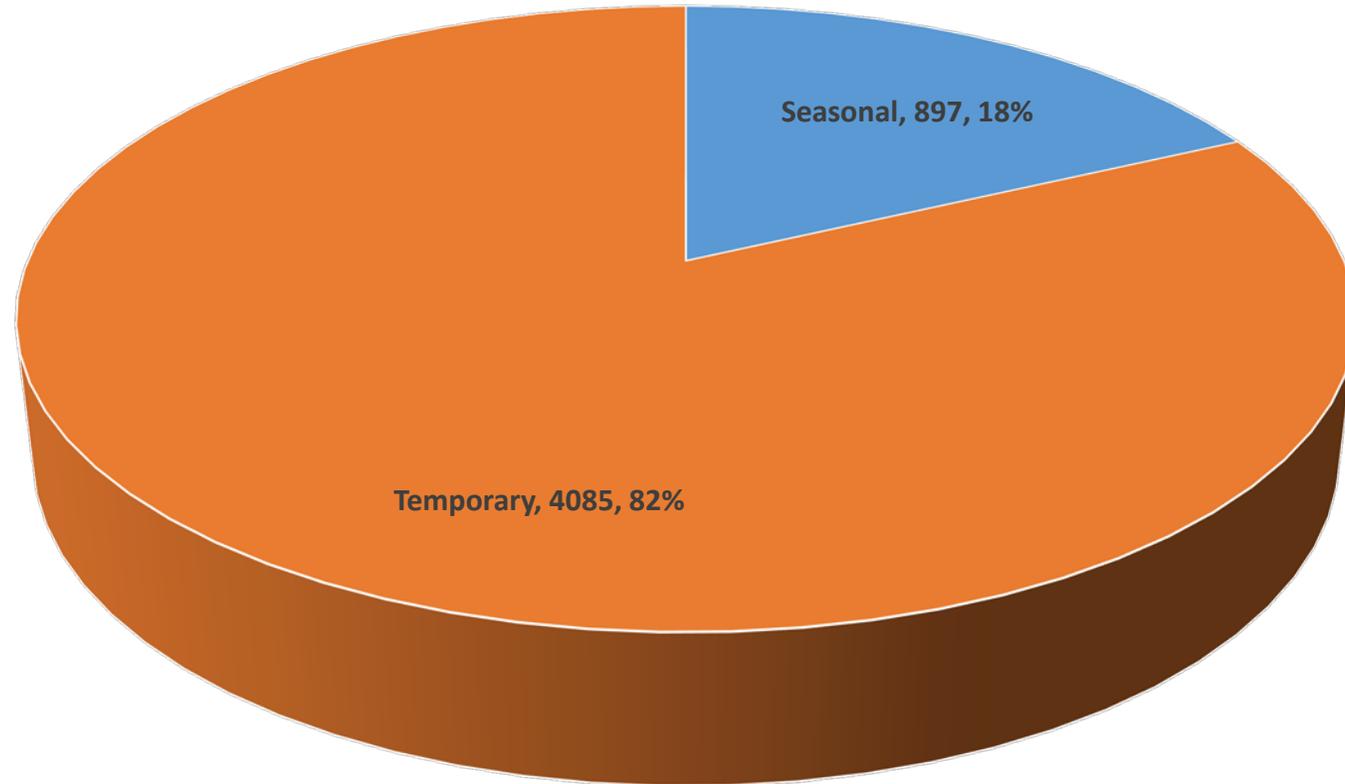




## Active Count by Employment Type Between 9/1/2016 and 6/30/2017

### Employment Type

- 82% Temporary
- 18% Seasonal





# Why Consider Temporary Employment?

Pennsylvania's demographics: 2014-2015

- ⦿ 82% temporary vs. 18% seasonal
- ⦿ Could not sustain a meaningful program without enrolling based on temporary employment

Same challenges exist for students & families

- ⦿ Interrupted schooling
- ⦿ Cultural obstacles
- ⦿ Limited English proficiency
- ⦿ Job volatility & transience due to industry practices, workplace conditions & low wages



# Why Consider Temporary Employment?

Open up urban recruitment & refugee resettlement opportunities

- ⦿ Processing plants often in urban areas
- ⦿ Urban areas often able to sustain more substantial service delivery through partnerships
- ⦿ High concentration of refugees—vulnerable population often pushed into this industry



# Initial Processing and the NRGs?

## **F15. Is initial processing of trees considered agricultural work?**

Yes. Because trees are a raw agricultural product, the initial processing of trees is considered agricultural work.

## **F20. What does “initial processing” mean?**

The Department considers “initial processing” to be work that (1) is beyond the production stage of agricultural work and (2) precedes the transformation of the raw product into something more refined. It means working with a raw agricultural or fishing product.

## **F21. What are examples of “initial processing” work in the poultry and livestock industries?**

For the purposes of the MEP, examples of “initial processing” work in the poultry and livestock industries include, but are not limited to: stunning; slaughtering; skinning; eviscerating; splitting carcasses; hanging; cutting; trimming; deboning; and enclosing the raw product in a container.



**F23. What are examples of “initial processing” work in the fishing industry?**

For the purposes of the MEP, examples of “initial processing” work in the fishing industry include, but are not limited to: scaling; cutting; freezing; dressing; and enclosing the raw product in a container.

**F24. When does “initial processing” end?**

The Department considers a product no longer to be in the stage of “initial processing” once the transformation of the raw product into something more refined begins. The Department believes that work up to, but not including, the start of the transformation process is agricultural or fishing work for purposes of the MEP. However, work such as placing raw chicken breasts into the oven for cooking, adding starter cultures to milk to make cheese, or applying necessary ingredients to a raw pork belly to begin the curing process is the beginning of the transformation process and therefore is not agricultural or fishing work for purposes of the MEP.

**F25. What work is not considered production or initial processing?**

Work such as cooking; baking; curing; fermenting; dehydrating; breading; marinating; and mixing of ingredients involves transforming a raw product into a more refined product. Therefore, the Department does not consider this work to be production or initial processing. In addition, the Department does not consider the following work to be production or processing: placing labels on boxes of refined products; selling an agricultural or fishing product; landscaping; managing a farm or processing plant; providing accounting, bookkeeping, or clerical services; providing babysitting or childcare services for farmworkers; or working at a bakery or restaurant. With regard to work such as repairing or maintaining equipment used for production or processing, or cleaning or sterilizing farm machinery or processing equipment, the Department does not consider individuals whose *profession* is to do this work, or who were hired solely to perform this work, to be performing agricultural work.

**F26. Is hauling a product on a farm, ranch, or other facility considered agricultural work?**

Yes. The Department considers hauling a product on a farm, ranch, or other facility an integral part of production or initial processing and therefore, is agricultural work. However, it does not consider transporting a product to a market, wholesaler, or processing plant to be production or initial processing. “Shipping and trucking” is work that is often carried out by a third-party retailer, wholesaler, or contractor paid to transport various products. Therefore, the service these companies or contractors provide is “shipping” or “trucking” and not production or initial processing.



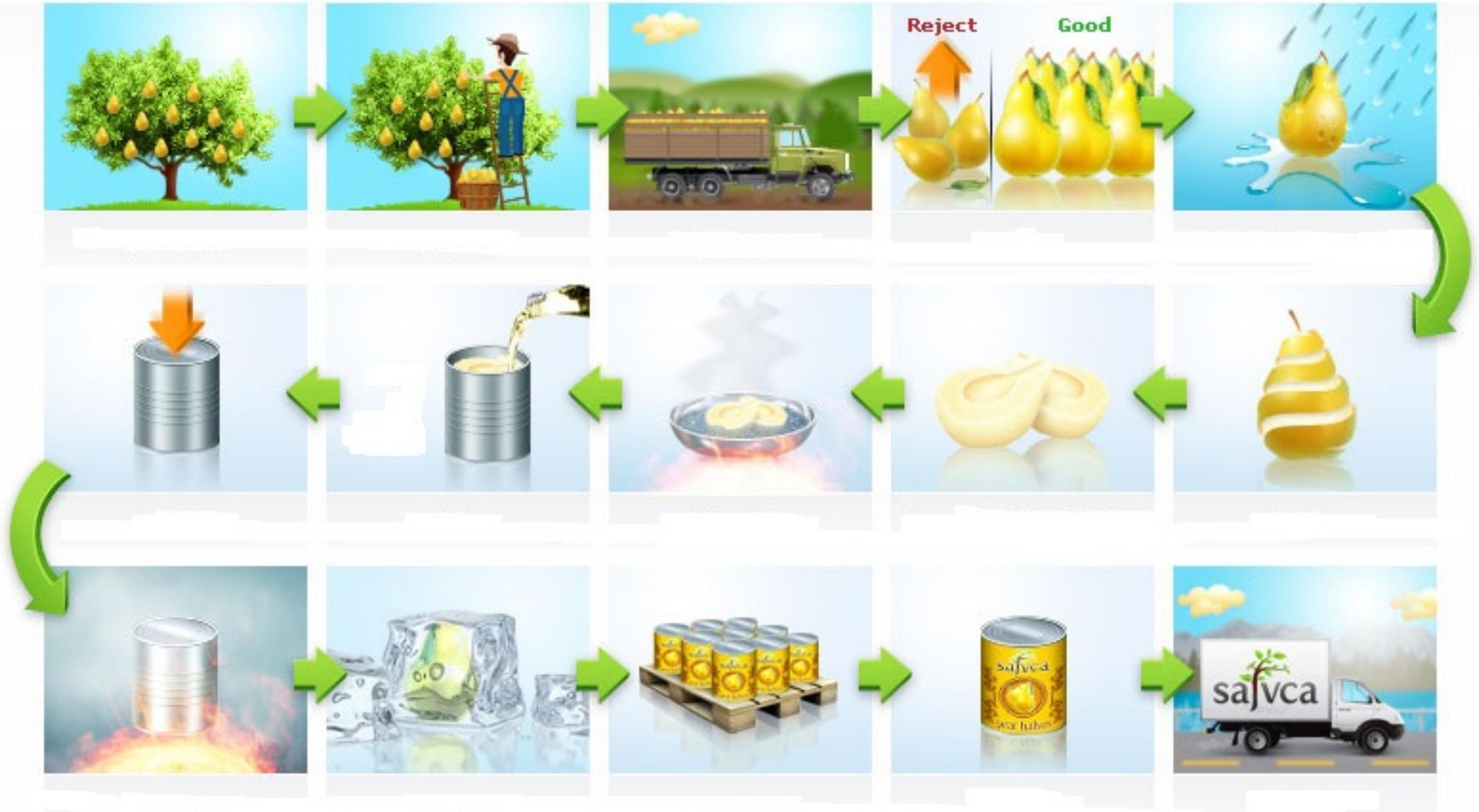
**F27. May a worker who performs both qualifying and non-qualifying work still be eligible for the MEP?**

Yes. A worker is only required to meet the definition of a migratory agricultural worker or migratory fisher as defined in section 1309(2) and (4) of the ESEA. Provided that the move was a qualifying move under section 1304(5) of the ESEA, the fact that the worker performs non-qualifying work in addition to qualifying work has no bearing on his or her eligibility for the MEP.

**F22. What are examples of “initial processing” work in the crop industry?**

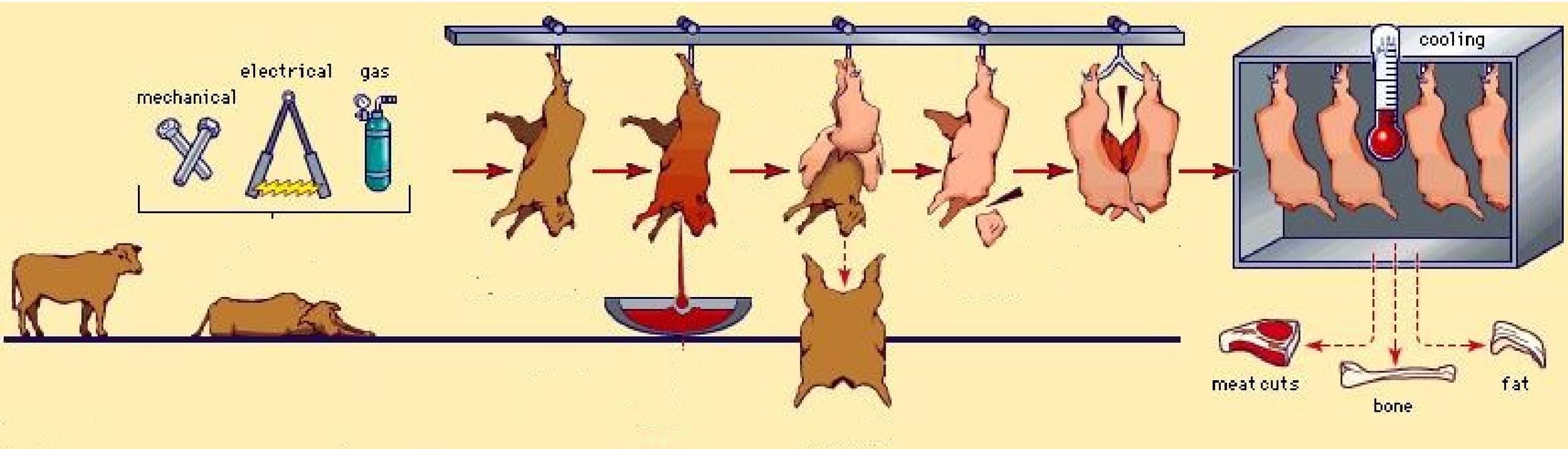
For the purposes of the MEP, examples of “initial processing” work in the crop industry include, but are not limited to: cleaning; weighing; cutting; grading; peeling; sorting; freezing, and enclosing the raw product in a container.

# Pennsylvania Migrant Education Program

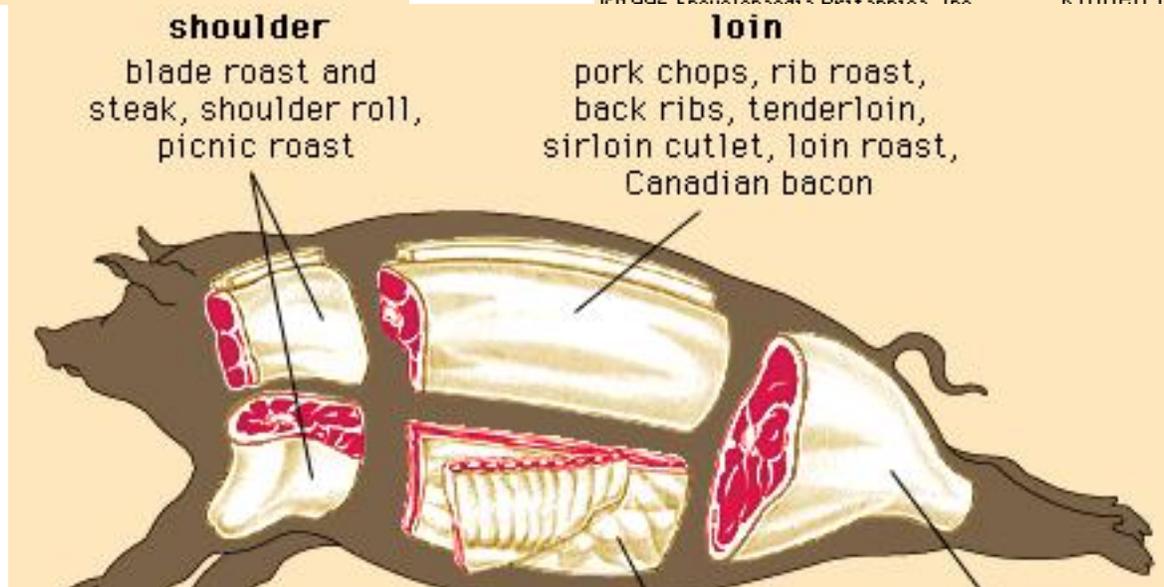
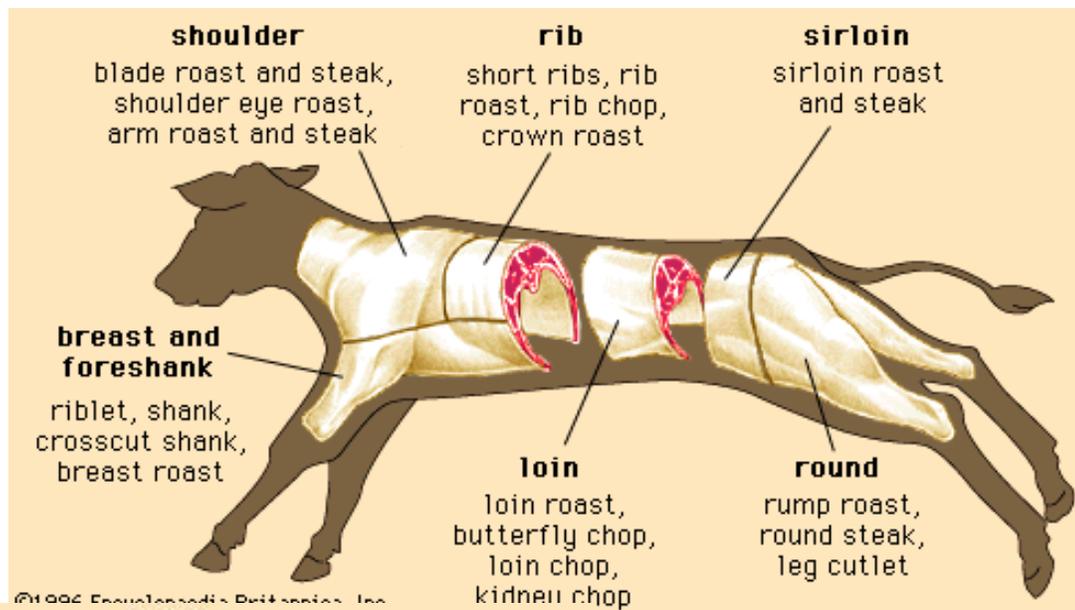
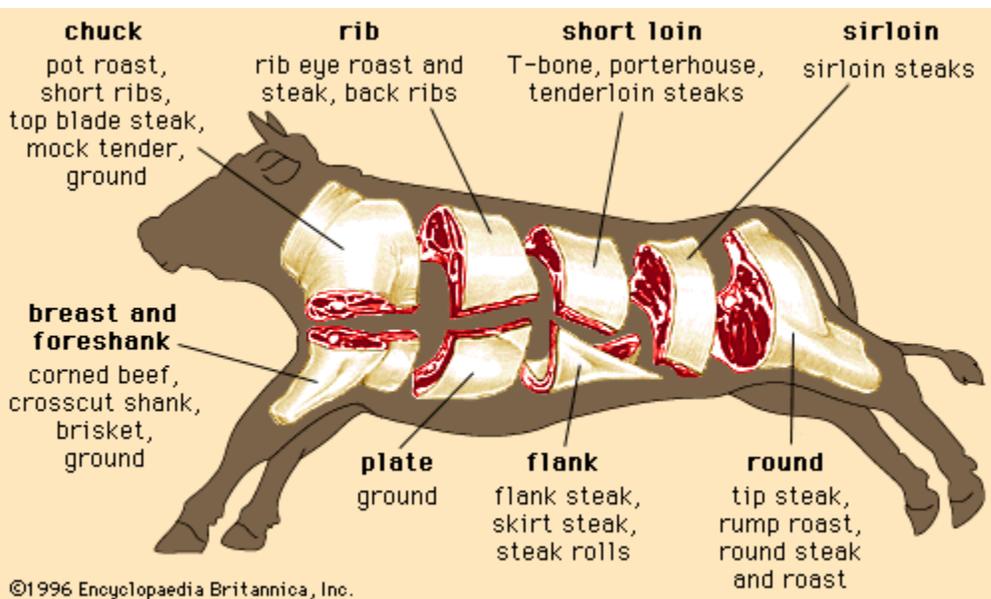




On 7/13/17, Jorge, Holly and their three High School age children move from Raider, FL to Biglerville, PA to find work. Within a week, Jorge starts working at Reyes Motor's warehouse loading and unloading trucks. On 7/18/17, Holly starts working at Knouse foods on the conveyer belts that carry freshly picked apples used for apple juice. Holly is responsible for picking out debris and rotten apples from the conveyer belt before the apples reach the holding tanks. Do they qualify? What's the qualifying crop and activity?



## Pennsylvania Migrant Education Program





On 7/13/17, Brenda and her two young children moved from Bay Area, CA to Orangetown, PA to find work. Brenda is interviewed on 10/14/17 where she tells the recruiter that she was hired on 7/15/17 to clean and sanitized the conveyer belts that carry meat from different departments at the local National Meats. Brenda tells the recruiter that she did that work for 4 weeks and then was moved to the meat cutting line because she was unable to read the labels on the chemical bottles. Brenda tells the recruiter that she does not like her new duties and will be quitting in November and moving back to California. Do they qualify? What's the qualifying crop and activity?



On 7/13/17, Lorenzo and his two elementary age children move from Laredo, TX to Gettysburg, PA to join family and find work. Lorenzo has heard that there is a large factory that makes different products from milk and goes to apply. Lorenzo is hired on 8/15/17 and is responsible for hand operating separate holding tanks containing milk, milk precursors and milk cures that are mixed according to a recipe in order to make cheese in bulk. Lorenzo tells the recruiter he plans to move back to Texas on 10/15/17 because he does not like the cold.



# Resources

- H-2A job sites:  
<https://icert.doleta.gov/>
  - Record of meat and poultry processing facilities:  
<http://www.fsis.usda.gov/wps/portal/fsis/topics/inspection/mpi-directory>
  - Pennsylvania Association of Sustainable Agriculture:  
<https://www.pasafarming.org/>
- Refugee Resettlement:
- <http://www.refugeesinpa.org/>
  - <http://www.cchbg.org/get-help/immigration-refugee-services/>
  - <http://www.isc76.org/>
- Refugee background information by country:  
<http://www.culturalorientation.net/learning/backgrounders>
  - PA Department of Agriculture Right-to-Know request (use to request lists of farms):  
<http://www.agriculture.pa.gov/right-to-know/Pages/default.aspx>
  - Local News (check business sections for ag & food processing related business):  
List of new Farms



# Thank You!

Jose Reyes-Lua

Statewide Migrant Education Recruitment Coordinator

Phone: (717) 763-1661, Ext. 129

Cell: (717) 224-1413

Fax: (717) 763-2083

Email: [jreyes-lua@csc.csiu.org](mailto:jreyes-lua@csc.csiu.org)